

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PAUL MONPLAISIR, on behalf of himself  
and all others similarly situated,

No. C 19-01484 WHA

Plaintiffs,

v.

INTEGRATED TECH GROUP, LLC, et al.,  
Defendants.

**ORDER TO SHOW CAUSE RE  
STIPULATED DISMISSAL FOR  
ARBITRATION CLAIMANTS**

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This is a wage-and-hour collective action with a long and tortured history. Plaintiff worked as a technician for defendants Integrated Tech Group, LLC, and ITG Communications, LLC, which provided home installation services for cable and telecommunications equipment. An August 2019 order conditionally certified a nationwide collective under the Fair Labor Standards Act (Dkt. No. 76). A March 2020 order, however, compelled many members of the collective to arbitration (Dkt. No. 167). A March 2021 order then rejected plaintiff's bid to certify a class covering plaintiff's non-FLSA claims because all but sixteen members of the putative class had signed arbitration agreements (Dkt. No. 254). No Rule 23 class was ever certified.

Our dispute seemingly concluded when a May 2022 order approved a monetary settlement of the collective's FLSA claims and the PAGA claims for all aggrieved California employees (Dkt. No. 275). No members of the collective or the PAGA class had signed

1 arbitration agreements. Meanwhile, a total of 222 employees who had initially been part of the  
2 conditionally-certified collective but had been subsequently compelled to arbitration filed a  
3 demand for arbitration with the American Arbitration Association (Dkt. No. 276). Of those  
4 employees, 213 have reached individual settlements in the arbitration proceedings.


5 The parties have now stipulated “pursuant to the terms of” those individual settlement  
6 agreements “to dismiss with prejudice all claims in this litigation” as to the individuals who  
7 signed the agreements (*ibid.*). Their filing announces that dismissal of these claims is proper  
8 pursuant to FRCP 41(a)(1) and Civil Local Rule 7-12 and then goes on to list by name all 213  
9 employees who have signed individual settlement agreements.

10 FRCP 41(a)(1) governs voluntary dismissal by the plaintiff. The employees who signed  
11 arbitration agreements, however, are *not* plaintiffs in this action. They are *not* members of  
12 even the conditionally-certified collective, and this is not a class action. Prior orders made this  
13 clear. (*See, e.g.*, Dkt. No. 276 at 2 (“After all the foregoing, we are left with a conditionally  
14 certified FLSA collective of 133 members and no certified Rule 23 class. All members of the  
15 collective have affirmatively opted-in. None of them have signed arbitration agreements.”)).  
16 Further, counsel have not adequately explained why FRCP 41(a) would provide authority to  
17 stipulate to dismiss on behalf of *213 employees* in a collective action.

18 Counsel are accordingly **ORDERED TO SHOW CAUSE** as to why dismissal is proper as to  
19 the 213 individuals who signed arbitration settlement agreements. A response to this order is  
20 due in **14 CALENDAR DAYS**.

21 **IT IS SO ORDERED.**

22 Dated: September 28, 2022

23   
24 WILLIAM ALSUP  
25 UNITED STATES DISTRICT JUDGE  
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